

Appl. No. 09/551,151  
Amdt. Dated February 4, 2004  
Reply to Office action of November 4, 2003

### **REMARKS/ARGUMENTS**

By the present amendment, claims 40 and 51 have been amended and claims 45, 55 and 57 have been deleted. New claims 59-64 have been added rendering claims 40, 49, 51 and 58-64 pending in the present application. The amendments to the claims have been made without prejudice and without acquiescing to any of the Examiner's objections. Applicant reserves the right to pursue any of the deleted subject matter in a further divisional, continuation or continuation-in-part application. No new matter has been entered by the present amendment and its entry is respectfully requested.

The Official Action dated November 4, 2003 has been carefully considered. It is believed that the amended specification and claims and the following comments represent a complete response to the Examiner's rejections and place the present application in condition for allowance. Reconsideration is respectfully requested.

### **Objection to Claims**

The Examiner has objected claims 55 and 57 as being dependent on a rejected base claim. In response, previous claims 55 and 57 have been rewritten into independent form and now appear as claims 59-61.

### **35 USC §102**

The Examiner has objected to claim 40 under 35 USC §102(b) as being anticipated by Westby et al. (*Bioconj. Chem.* (1992) 3, 375-381) as is evidenced by the known fact disclosed in the reference (Sampson, M.T. et al. (2003) *Biochem. Society Trans.* Vol. 30, part 2, pages 201-207). We respectfully disagree with the Examiner that factor Xa is a cancer-associated protease. However, in the interest of advancing prosecution, Applicant has amended claim 40 in order to specify that the cancer-associated protease is a matrix metalloproteinase.

In view of the foregoing, we respectfully request that the objection to the claims under 35 USC §102(b) be withdrawn.

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**Obviousness Type Double Patenting**

The Examiner is of the opinion that claims 40, 45, 49, 51 and 58 of the present application conflict with claims 15, 17, 22, 26 and 40 of co-pending application serial no. 10/394,511. In response, we are enclosing a Terminal Disclaimer over the co-pending application. We are also simultaneously filing an assignment document for the present application to evidence that the present application and USSN 10/394,511 are commonly owned.

We assume that reference to U.S. application no. 09/674,266 on page 5, paragraph 2 of the office action is in error.


In view of the foregoing, we respectfully request that the objections to the claims under 37 CFR 1.78(b) be withdrawn.

The Commissioner is hereby authorized to charge any deficiency in fees (including any claim fees) or credit any overpayment to our Deposit Account No. 02-2095.

In view of the foregoing, we submit that the application is in order for allowance and an early indication to that effect would be greatly appreciated. Should the Examiner like to discuss the matter, he is kindly requested to contact Micheline Gravelle at 416-957-1682 at his convenience.

Respectfully submitted,

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Attachments